

38,DL,Ct.18
16.09.2021
AJ.

C.O. 35 of 2021
(Through Video Conference)

Smt. Soma Deb
-Vs-
Sri Partha Saha

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal.
... for the petitioner.

Mr. Malay Kumar Das,
Mr. Dibyajyoti Raha.
....for the opposite party.

The wife/respondent in the Matrimonial Suit No. 844 of 2019 filed by the husband/opposite party for dissolution of marriage between the parties by a decree of divorce is the petitioner of the present application under Section 24 of the Code of Civil Procedure.

The said matrimonial suit is pending before the 1st Court of the learned Additional District Judge at Serampore, District – Hooghly.

The petitioner by the present application is praying withdrawal of the said suit from the Court where it is now pending and transfer of it to the Court of the learned District Judge, Malda on the ground that she is residing at Malda and is a teacher in a school there, as such, it would be difficult for her to come to Serampore from her residence and contest the said matrimonial suit.

Mr. Partha Pratim Roy, learned counsel for the petitioner submits that if the said matrimonial

suit is not withdrawn and transferred as prayed for, the service of the petitioner would be affected.

Mr. Malay Kumar Das, learned advocate appearing on behalf of the husband/opposite party, on the other hand, submits that the husband is an employee of a private bank and posted in a branch of the said bank at Salt Lake, Kolkata, therefore, if the said matrimonial suit is transferred to Malda as prayed for by the petitioner, it would be difficult for the opposite party to travel to Malda from Kolkata and prosecute the said suit without causing any adverse effect to his service as well.

Mr. Das suggests that if the said suit is transferred to any Court midway between Kolkata and Malda, inconvenience of both parties could be mitigated, he recommends that the learned District Judge at Suri, District - Birbhum may transfer the said suit withdrawn from the said Court at Serampore to any competent court at Rampurhat, District-Birbhum to mitigate inconvenience of the parties.

The suggestion is reasonable, therefore, to do equity between the parties, let the Matrimonial Suit No. 844 of 2019 (***Sri Partha Saha vs. Smt. Soma Deb***) be withdrawn from the 1st Court of the learned Additional District Judge, Serampore, District-Hoooghly and be transferred to the Court

of learned District Judge at Suri, District Birbhum who, on receipt of the records of the said suit, shall transfer it to any Court under his judgeship competent to try and dispose of the same at Rampurhat.

The said suit, after transfer, shall be proceeded from the point at which it was withdrawn and transferred. The hearing of the said suit be expedited in accordance with law.

Irrespective of transmission of records of the said suit, the parties shall appear before the learned District Judge at Suri, District – Birbhum **on September 30, 2021** upon production of server copy of this order.

The department is directed to communicate this order immediately to the 1st Court of the learned Additional District Judge at Serampore, District Hooghly.

C.O. 35 of 2021 is thus allowed with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)